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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,441	03/22/2001	Douglas D. Calaway	26303	4595

9355 7590 02/01/2005

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EXAMINER	
SMITH, JEFFREY A	

ART UNIT	PAPER NUMBER
3625	

DATE MAILED: 02/01/2005

Due 5/1/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

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PTO-90C (Rev. 10/03)

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Office Action Summary	Application No.	Applicant(s)	
	09/814,441	CALAWAY ET AL.	
	Examiner	Art Unit	
	Geoffrey Akers	3625	

– The MAILING DATE of this communication appears on the cover sheet with the correspondence address –

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 July 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-33* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-33* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Request for Continued Examination(RCE)

1.This action is issued in reply to applicant's Request for Continued Examination(RCE) filed 7/19/04.

2.Claims 1,12,15,19,26,28-29,31,33 were amended. No claims were canceled. None were added.

3. Claims 1-33 as amended, are pending.

Claim Rejections - 35 USC § 103

4. Claims 1-11,16-18,20-25, 27,30,32 are rejected under 35 USC 103(a) as being unpatentable over Alloul(US Pat. No: 6,032,130) in view of Montague(US Pat. No: 6,298,332). These designated claim rejections as cited in the Final Office Action dated 3/5/04 are maintained.

Claim Rejections - 35 USC § 103

5. Claims 12-15,19,26, and 28,29,31,33 are also rejected under 35 USC 103(a) as unpatentable over Alloul(US Pat. No: 6,032,130) in view of Montague(US Pat. No: 6,298,332) as delineated herein as a result of applicant's amendment.

6. With respect to claim 12, Alloul discloses providing a software application on the storage medium to assist a buyer in making a purchase(col 7 line 47-col 8 line 62).In addition to that taught by Alloul, Montague teaches storing the purchase data on a device accessible by the processor(col 8 line 66-col 9 line 25) and selecting the item for

purchase in ordering an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor(col 8 lines 27-62)(Fig 7/252/254/273).Additionally, Montegue teaches output/input data may include data in addition to the data provided by the CD-ROM tag which may be provided to the vendor for the purpose of purchasing(col 8 lines 53-60). It would have been obvious to one skilled in the art at the time of the invention to combine Alloul in view of Montague to teach the disclosure. The motivation to combine is to teach electronically initiating the purchase of an item on a computer in a network as enunciated by Montague(col 2 lines 29-51).

7. With respect to claim 13, Alloul teaches the software is further adapted to retrieve the identifier from the storage device(Fig 4)(col 10 lines 24-40) and to display the identifier on the display device(col 5 lines 36-41). In addition to that taught by Alloul, Montague teaches storing the purchase data on a device accessible by the processor(col 8 line 66-col 9 line 25) and selecting the item for purchase in ordering an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor(col 8 lines 27-62)(Fig 7/252/254/273).Additionally, Montegue teaches output/input data may include data in addition to the data provided by the CD-ROM tag which may be provided to the vendor for the purpose of purchasing(col 8 lines 53-60). It would have been obvious to one skilled in the art at the time of the invention to combine Alloul in view of Montague to teach the disclosure. The motivation to combine is to teach electronically initiating the

purchase of an item on a computer in a network as enunciated by Montague(col 2 lines 29-51).

8. With respect to claim 14, Alloul teaches accessing the storage medium through the processor and initializing the software application(col 7 line 47-col 8 line 63). In addition to that taught by Alloul, Montague teaches storing the purchase data on a device accessible by the processor(col 8 line 66-col 9 line 25) and selecting the item for purchase in ordering an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor(col 8 lines 27-62)(Fig 7/252/254/273).Additionally, Montegue teaches output/input data may include data in addition to the data provided by the CD-ROM tag which may be provided to the vendor for the purpose of purchasing(col 8 lines 53-60). It would have been obvious to one skilled in the art at the time of the invention to combine Alloul in view of Montague to teach the disclosure. The motivation to combine is to teach electronically initiating the purchase of an item on a computer in a network as enunciated by Montague(col 2 lines 29-51).

9. With respect to claims 15,19,26 Alloul teaches a removable electronic storage medium having one image of at least one item and a software application stored thereon(col 7 line 47-col 8 line 63) and a processor(col 2 lines 20-26)(col 7 lines 47-col 8 line 63) and a storage device(col 7 line 47-col 8 line 63) and means for reading data from the storage medium(col 7 line 47-col 8 line 63) and an input device(col 7 line 47-col 8 line 63) and a display device all in electronic communication with the processor(col 7 line 47-col 8 line 63) and when the software application is adapted to run on the

processor, to display a menu on the display device comprising identifiers of the images and receive a selection of an identifier by a user through the input device, write a file on the storage device comprising the selected identifier and access an image of an item from the storage medium display the accessed item image on the display device and receive a user selection of the item for purchase and automatically store purchase data on the item on a writable memory device in communication with the processor(col 7 line 47-col 9 line 25). In addition to that taught by Alloul, Montague teaches storing the purchase data on a device accessible by the processor(col 8 line 66-col 9 line 25) and selecting the item for purchase in ordering an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor(col 8 lines 27-62)(Fig 7/252/254/273).Additionally, Montegue teaches output/input data may include data in addition to the data provided by the CD-ROM tag which may be provided to the vendor for the purpose of purchasing(col 8 lines 53-60). It would have been obvious to one skilled in the art at the time of the invention to combine Alloul in view of Montague to teach the disclosure. The motivation to combine is to teach electronically initiating the purchase of an item on a computer in a network as enunciated by Montague(col 2 lines 29-51).

10. With respect to claims 29,31 Alloul teaches the software is further adapted to issue a reminder to the user via the processor that the selected identifier has been retained(col 6 lines 19-21) in the presentation to the customer of stored purchase data each time the customer starts the purchasing application for another browsing session. Allol further teaches that the customer may leave items in a cart for future transactions

at startup(col 6 lines 8-19). It would have been obvious to one skilled in the art at the time of the invention to combine Alloul in view of Montague to teach the disclosure. The motivation to combine is to teach electronically initiating the purchase of an item on a computer in a network as enunciated by Montague(col 2 lines 29-51).

11. With respect to claims 28,33 Alloul teaches if purchase data has been stored, providing a reminder via the processor that pending purchase data remain on the device (col 6 lines 8-21) in the presentation to the customer of the stored purchase data each time the customer starts the purchasing application for another browsing session.

Response to Arguments

12. Applicant's arguments are not persuasive. Montague teaches storing the purchase data on a device accessible by the processor(col 8 line 66-col 9 line 25) and selecting the item for purchase in ordering an item selection automatically causing purchase data on the item to be stored on a writable memory device in communication with the processor(col 8 lines 27-62)(Fig 7/252/254/273) which may be local.Additionally, Montegue teaches output/input data may include data in addition to the data provided by the CD-ROM tag which may be provided to the vendor for the purpose of purchasing(col 8 lines 53-60) which also may be local. In addition to that taught by Montague, Allol further teaches that the customer may leave items in a cart for future transactions at startup(col 6 lines 8-19) so that a prompt exists at processor startup in future sessions.

Conclusion

13. **THIS ACTION IS MADE NON-FINAL**

14. Any questions concerning this communication should be addressed to the primary examiner of record, Dr. Geoffrey Akers, P.E., who can be reached between 6:30 AM and 5:00 PM Monday through Friday at 703-306-5844. If attempts to contact the primary examiner are unsuccessful, the primary examiner's superior, Mr. Vincent Millin, SPE, may be telephoned at (703)-308-1065.

September 27,2004

DR. GEOFFREY R. AKERS, P.E.
PRIMARY EXAMINER

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